

DEPARTMENT OF STATE

(Public Notice 749)

Registration of Claims Against Iran With the Department of State and Submission of Claims to the Iran-United States Claims Tribunal; Time for Registration

This notice describes the procedure for registration of claims against Iran with the Department of State and for submission of claims to the Iran-United States Claims Tribunal.

For additional information, contact Peter J. Kirsch, Office of the Legal Adviser, Department of State, Washington, D.C. 20520. Telephone (202) 632-5040.

1. Establishment of the Iran-United States Claims Tribunal

On January 19, 1981, the Government of the United States and the Government of the Islamic Republic of Iran established the Iran-United States Claims Tribunal, which will adjudicate claims of United States nationals against Iran. The seat of the Tribunal will be at The Hague, The Netherlands, or such other place as the United States and Iran may agree. All awards and decisions of the Tribunal will be final and binding. Payment of awards will be made from a security fund to be established in accordance with the terms of the agreement between the United States and Iran of January 19, 1981. Further, such awards will be enforceable against Iran in the courts of any nation in accordance with its laws.

2. Settlement Period

(a) During the period of January 19, 1981 to July 19, 1981, the Department of State will promote the settlement of claims of United States nationals directly by the parties concerned. In addition, during this period the Department of State will seek to conclude an inter-governmental agreement for the settlement, by a lump-sum payment or otherwise, of certain claims against Iran, including particularly claims of less than \$250,000. The settlement period may be extended for an additional three-month period either by the Government of Iran or by the Government of the United States.

(b) At the conclusion of the settlement period, certain claims that have not been settled may be submitted to the Iran-United States Claims Tribunal for binding arbitration. Claimants with claims of \$250,000 and more shall submit their claims to the Tribunal in a form to be specified by the Department of State. Proceedings before the Tribunal regarding these claims shall be

conducted by the claimants. Claimants with claims of less than \$250,000 shall submit their claims to the Department of State, in a form to be specified by the Department, for presentation to the Tribunal by the Agent of the United States. Proceedings before the Tribunal with respect to these claims shall be conducted by the Department of State.

3. Registration of Claims of U.S. Nationals With the Department of State

(a) The Department of State has available a Form, DSP-93, "Registration of Claims of United States Nationals Against Iran." Copies of this form will be mailed directly to all individuals and business who reported their claims to the Department of the Treasury pursuant to its census of claims against Iran and to all those who have previously reported their claims to the Department of State. Copies of the form may also be obtained from the Department of State by writing to the Office of the Legal Adviser, Attn: Iran Claims, Department of State, Washington, D.C. 20520.

(b) Nationals of the United States with claims against Iran that fall within the jurisdiction of the Tribunal and have a total value of less than \$250,000 must register their claims by returning the form, duly completed, by May 8, 1981, to the Office of the Legal Adviser. Failure to register such claims will make it impossible for the Department of State to take them into account in seeking to conclude a lump-sum settlement with Iran of claims in this category. Individuals or businesses who fail to register such claims may not be able to share in the proceeds of such a settlement. In addition, failure to register may preclude the submission of such claims to the Iran-United States Claims Tribunal if there is no such settlement.

(c) Nationals of the United States with claims against Iran that fall within the jurisdiction of the Tribunal and have a total value of \$250,000 or more have the option of registering their claims by returning the form to the Office of the Legal Adviser. Claimants with claims in this category who wish to make use of the assistance that the Department of State may be able to provide in promoting settlement of claims by the parties directly concerned are advised to register their claims. In addition, where a claim in this category arises under a contract that includes a choice-of-forum clause, it is strongly advised that the claimant answer questions 10b (iii) and (iv) even if a decision is made not to complete the other parts of the form.

(d) Claims that (1) are held by individuals or businesses that are not

nationals of the United States, or (2) are not against Iran, or (3) do not otherwise fall within the jurisdiction of the Tribunal should not be registered with the Department of State. Definitions of the relevant terms are set forth below.

4. Manner of Presenting Claims to the Iran-United States Claims Tribunal; Date by Which They Must be Presented

(a) All claims which are to be adjudicated by the Tribunal must be submitted for decision. Registration with the Department of State is not a substitute for such submission. In the event that a claim of less than \$250,000 is not settled through negotiations and therefore must be adjudicated by the Tribunal, claimants shall submit their claims to the Department of State, in an additional form to be specified by the Department, no later than September 1, 1981. Forms for the statement of these claims will be made available by the Department and will be mailed directly to claimants who have registered their claims with the Department as required by this notice. Claims in this category will not be presented to the Tribunal if the Department determines that (1) the claim plainly falls outside the jurisdiction of the Tribunal, or (2) the claim is plainly lacking in merit.

(b) The Department of State will provide further guidance concerning the manner in which claims of \$250,000 and more are to be presented to the Tribunal.

(c) Claims within the jurisdiction of the Tribunal as defined in the Claims Settlement Agreement of January 19, 1981, may not be presented to the Tribunal before the end of the settlement period which is to end on July 19, 1981, unless extended to October 19, 1981, by action of the Government of the United States or the Government of Iran.

(d) Claims may not be presented to the Tribunal after January 19, 1982, or the date which is six months after the date on which the President of the Tribunal is appointed, whichever is later.

5. Claims Within the Jurisdiction of the Tribunal

The Iran-United States Claims Tribunal has jurisdiction under the terms of the Claims Settlement Agreement to decide claims of United States nationals against Iran that arise out of (i) debts, (ii) contracts, (iii) expropriations, or (iv) other measures affecting property rights. The Agreement between the United States and Iran also defines certain claims that are barred. Claims that are barred are those that arise out of events occurring before

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January 19, 1981, and concerning (i) the seizure of the U.S. hostages in Iran, (ii) their subsequent detention, (iii) injury to U.S. property or property of U.S. nationals within the U.S. Embassy compound in Tehran after November 3, 1979, and (iv) injury to U.S. nationals or their property "as a result of popular movements in the course of the Islamic Revolution in Iran which were not an act of the Government of Iran." (With reference to this language, the Iranian Assets Control Regulations provide in § 535.334, (31 CFR Part 535) that "an act of the Government of Iran includes any acts ordered, authorized, allowed, approved or ratified by the Government of Iran, its agencies, instrumentalities or controlled entities.") Claims falling within one or more of these four categories of barred claims should not be registered with the Department of State.

6. Definition of United States National

For purposes of defining the jurisdiction of the Tribunal, the term "national of the United States" means (a) a natural person who is a citizen of the United States; or (b) a corporation or other legal entity which is organized under the laws of the United States or any of its states or territories, the District of Columbia or the Commonwealth of Puerto Rico, if, collectively, natural persons who are citizens of the United States hold, directly or indirectly, an interest in such corporation or entity equivalent to fifty percent or more of its capital stock.

7. Applicability of Rule of Continuity of Nationality

For purposes of defining the jurisdiction of the Tribunal, the term "claims of national of the United States" means claims owned continuously by U.S. nationals, from the date on which the claim arose to the date on which the claims agreement entered into force (January 19, 1981), including claims that are owned indirectly by such nationals through ownership of capital stock or other proprietary interests in juridical persons, provided that the ownership interests of such nationals, collectively, were sufficient at the time the claim arose to control the corporation or other entity, and provided, further, that the corporation or other entity is not itself entitled to bring a claim under the terms of the claims agreement.

8. Definition of Iran

For purposes of defining the jurisdiction of the Tribunal, the term "Iran" means the Government of Iran, any political subdivision of Iran, and any agency, instrumentality or entity

controlled by the Government of Iran or any political subdivision thereof.

9. Applicability of UNCITRAL Rules of Arbitration

Except as they may be modified in accordance with the Claims Settlement Agreement, the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL) shall apply to the proceedings before the Tribunal.

Gerald M. Rosberg,

Counselor on International Law.

March 27, 1981.

[FR Doc. 81-0807 Filed 3-31-81; 8:45 am]

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25028

Federal Register / Vol. 46, No. 85 / Monday, May 4, 1981 / Notices

DEPARTMENT OF STATE**[Public Notice 753]****Registration of Claims Against Iran:
Negotiations for Settlement of Claims
With Iran**

This notice describes recent developments with regard to procedures for settling claims against Iran and provides further information about registration of claims with the Department of State. This Notice supplements information provided in Public Notice 749 of April 1, 1981 (46 FR 19893).

For additional information, contact Peter J. Kirsch, Office of the Legal Adviser (Iranian Claims), Department of State, Washington, D.C. 20520. Telephone (202) 632-5040.

1. Registration of Claims

In Public Notice 749, the State Department described procedures for registration of claims against Iran. For purposes of deciding whether registration is required, claimants should aggregate the value of all their claims against Iran, regardless of whether the claims concern different transactions or events or run against different Iranian entities. Claimants whose claims against Iran have a total value, when aggregated, of *less than \$250,000* are required to register their claims with the Department on Form DSP-93 no later than May 8, 1981. Claimants whose claims have a total value, when aggregated, of *\$250,000 or more* are advised to register their claims but are *not* required to do so.

Claimants who are *required* to register (those with claims, in the aggregate, of less than \$250,000) but who have not yet received copies of Form DSP-93 should contact the office of the Legal Adviser *immediately* at (202) 632-5040.

2. Negotiations for Settlement of claims**A. Claims of \$250,000 or More**

The Department of State has received indication from the Government of the Islamic Republic of Iran that Iran wishes to begin negotiations on an individual basis with claimants whose claims, in the aggregate, total *\$250,000 or more*.

The Department of State has received the following information from the

Government of the Islamic Republic of Iran concerning possible negotiations of claims settlements directly with the parties concerned.

With respect to claims exceeding U.S. dollars 250,000, relevant Iranian organizations are prepared to start negotiations with the U.S. parties concerned. It is suggested that the negotiations be carried out in London. It is of course necessary that the American claimants inform by cable the precise but concise list of their true claims along with evidence (as the foundation of the negotiations to be carried out on the basis of goodwill) to Iranian parties directly involved, as well as to the International Legal and Financial Claims Committee, located at Bank Markazi Iran (Central Bank of Iran). The time and the program of the negotiations will be subsequently notified to the U.S. claimants by the Iranian parties or the said committee.

The Department invites U.S. claimants with claims of 250,000 dollars or more to provide information concerning their claims to the appropriate Iranian authorities insofar as practicable by telex. The Department has urged Iran to designate representatives with authority to negotiate and conclude claims settlements as soon as possible. Bank Markazi Iran has an international telex (RCA) address of 951-212503 with an answerback of MARKAZBANK.

B. Claims of Less Than \$250,000

Claimants with claims, in the aggregate, of less than \$250,000 are required to register their claims with the State Department by May 8, 1981. The United States has agreed to transmit to Iran information about the claims in this category in order to lay the foundation for negotiations on a lump-sum payment to settle claims in this category. For this purpose the Department will draw upon the information supplied by claimants in their Registration of Claims forms filed with the Department. Further information will be provided to these claimants as negotiations proceed.

Claimants who have already registered their claims with the State Department should be receiving an acknowledgement of their registration. This acknowledgement does not constitute a determination as to the validity of the claim.

Gerald M. Rosberg,

Counselor on International Law.

April 29, 1981.

[FR Doc. 81-13423 Filed 5-1-81; 9:45 am]

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DEPARTMENT OF STATE

Office of the Legal Adviser

[Public Notice 755]

**Iran; Negotiations for Settlement of
Claims Against Iran Special Telex
Number for Bank Markazi**

This notice supplements information provided in Public Notice 753 of May 4, 1981 (46 FR 25026). For additional information contact Peter J. Kirsch, Office of the Legal Adviser (Iranian Claims), Department of State, Washington, DC 20520. Telephone (202) 632-5040.

Further to Notice 753, the Central Bank of Iran, Bank Markazi Iran, has established a special telex number for the International Legal and Financial Claims Committee to which claimants with claims over \$250,000 should communicate the description of their claims. That international (RCA) telex number is 951-213966 with an answer-back of MBZKIR. The telex number published in Public Notice 753 remains operative but Bank Markazi would prefer that claimants use the special telex number above for communicating with the International Legal and Financial Claims Committee.

Gerald M. Rosberg,

Counselor on International Law.

May 5, 1981.

[FR Doc. 81-11861 Filed 5-6-81; 8:45 am]

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DEPARTMENT OF STATE

[Public Notice 763]

Claims Against Iran

This notice concerns claims of U.S. nationals against Iran within the scope of the Claims Settlement Agreement of January 19, 1981. Specifically, it addresses (1) the registration with the Department of State of claims of less than \$250,000; (2) the procedures applicable to the settlement of claims of \$250,000 and more; and (3) the appointment of the third-country members of the Iran-U.S. Claims Tribunal.

For further information, contact David P. Stewart, Administrator of Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C., 20520. Telephone (202) 632-5040.

1. Registration of Claims of Less Than \$250,000

The Iran-U.S. Claims Tribunal established pursuant to the Claims Settlement Agreement will adjudicate the claims of U.S. nationals against Iran which arise out of debts, contracts, expropriations or other measures affecting property rights. Claimants with claims in the aggregate of \$250,000 or more will represent themselves before the Tribunal; those with claims in the aggregate of less than \$250,000 will be represented by the U.S. Government.

The Department of State previously announced that U.S. nationals with claims against Iran, in the aggregate, of less than \$250,000 were required to register such claims with the Department by May 8, 1981. See Public Notice 749 of April 1, 1981 (46 FR 19893) and supplementary Public Notice 753 of May 4, 1981 (46 FR 25026). The information submitted pursuant to this registration will be used by the Department in seeking to conclude an agreement with Iran for the settlement by lump-sum payment of claims of less than \$250,000.

The Department of State seeks to ensure that all eligible U.S. claimants have the fullest possible opportunity to present their claims against Iran. Accordingly, because the negotiation of an agreed settlement with Iran has not yet begun, the Department has been able to accept the small number of registrations received after May 8, 1981. In view of the timetable now projected for negotiations with Iran, the Department will continue to accept late registrations. Claimants who have not yet registered claims with an aggregate value of less than \$250,000 are urged to do so immediately by contacting the Office of the Legal Adviser of the Department of State by telex (89-2401 or 89-601), telegram or telephone (202) 632-5040. Completed registration forms must be submitted promptly to the Administrator of Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520.

After the settlement negotiations have begun, it will become impossible for the Department to take into account any additional unregistered claims, and claimants who have not registered their claims by that time may be excluded from sharing in the proceeds of a lump-sum settlement and from having their claims presented to the Tribunal. The final deadline, which will be announced in the Federal Register, will not be earlier than July 31, 1981.

2. Procedures Applicable to Settlement of Claims of \$250,000 and More

The Claims Settlement Agreement provides for a six-month period during which the United States and Iran are to promote settlement of claims by the parties directly concerned. The Agreement further states that the settlement period may be extended once for an additional three months at the request of either government. At the request of the Government of Iran, and with the concurrence of the Government of the United States, the settlement period has been extended to October 13, 1981.

Claimants whose claims in the aggregate are \$250,000 or more are referred to Public Notice 753 (46 FR 25026, May 4, 1981) and Public Notice 755 (46 FR 25524, May 7, 1981) concerning procedures applicable to direct settlement of claims. The Department reported in Public Notice 753 a proposal by the Government of Iran that settlement negotiations directly with such claimants should take place in London. Iran has subsequently proposed that such negotiations take place in Vienna, Austria, instead of London, and the Department has concurred in that proposal.

Claims not settled by the parties directly concerned may be formally submitted to the Tribunal beginning on October 20, 1981. The last date on which claims of U.S. nationals may be submitted to the Tribunal is January 19, 1982. As soon as the Tribunal has determined the procedures applicable to the formal submission of statements of claim, the Department will publish an appropriate announcement in the Federal Register.

The Department of State will, in addition, communicate directly by mail with registered claimants on matters of general significance. Claimants who have not registered claims with the aggregate value of \$250,000 or more and who wish to be included in such informational mailings should contact the Administrator of Iranian Claims.

3. Appointment of the Third-Country Members of the U.S. Claims Tribunal

Beginning on May 8, 1981, three arbitrators appointed by the United States met at The Hague with three Iranian arbitrators to appoint the third-country members of the Tribunal. On June 9, they announced their agreement to appoint Justice Gunnar Lagergren of Sweden, Justice Pierre Bellet of France, and Justice Nils Mangard of Sweden as the remaining members of the Tribunal.

His Excellency Justice Lagergren, who has been selected as President of the

Tribunal, is Marshall of the Realm of Sweden and a former President of the Court of Appeal of Western Sweden. He has been President of arbitration tribunals in a number of major public and private international law cases. He is a judge of the European Court of Human Rights at Strasbourg and a Member of the Permanent Court of Arbitration at The Hague. Justice Bellet is a former Chief Justice of the French Supreme Court. He has also been active in international arbitration and is President of the French Committee of Private International Law. Justice Mangard is a Judge of the Court of Appeal of Stockholm, Sweden. He has been the President of international arbitration tribunals in important cases. He is a Member of the International Council for Commercial Arbitration.

The three Members of the Tribunal previously appointed by the United States of America are Howard M. Holtzmann, George H. Aldrich and Richard M. Mosk. The three Members previously appointed by the Islamic Republic of Iran are Mahmoud M. Kashani, Seyyed Hossein Enayat and Shafey Shafeiei.

The Tribunal held its first series of meetings at The Hague beginning July 1 to discuss organizational questions and related matters.

Dated: July 6, 1981.

David P. Stewart,
Administrator of Iranian Claims.

(FR Doc. 81-20615 Filed 7-13-81; 8:45 am)
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DEPARTMENT OF STATE

(Public Notice 764)

Claims Against Iran

This notice concerns the procedures applicable to the filing of claims of U.S. nationals against Iran before the Iran-U.S. Claims Tribunal. It supplements information provided in Public Notice 763 (46 FR 36277, July 14, 1981). For further information, contact David P. Stewart, Administrator of Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520. Telephone (202) 632-5040.

The Iran-U.S. Claims Tribunal has issued preliminary instructions, contained in Administrative Directive No. 1, with respect to the procedures for the submission of claims pursuant to the Claims Settlement Agreement of January 19, 1981. The text of the Directive is set forth below.

Claimants with claims in the aggregate of *more than* \$250,000 should prepare to submit their claims, on or after October 20, 1981, directly to the Tribunal in accordance with the provisions of the Directive. It should be noted that the address for the filing of claims, as specified in paragraph 8 of the Directive, may be changed by a later directive announcing the establishment of the Tribunal's permanent offices.

Claimants with claims in the aggregate of *less than* \$250,000 will be represented before the Tribunal by the U.S. Government. In the event that claims in this category are not settled by lump-sum agreement, claimants will submit their claims to the Department of State, not to the Tribunal. The Department of State will prepare a standardized statement of claim form to be furnished to all claimants in the less than \$250,000 category who have registered their claims with the Department. U.S. nationals with claims of less than \$250,000 who have not yet registered their claims should do so *immediately*.

Iran-United States Claims Tribunal
Administrative Directive No. 1

July 4, 1981.

1. Introduction. This Administrative Directive has been issued by the Iran-United States Claims Tribunal (the "Tribunal") to set forth requirements for the submission of claims to the Tribunal of nationals of the United States against Iran and of nationals of Iran against the United States pursuant to Article II, paragraph 1 of the Declaration of the Government of the Democratic and Popular Republic of Algeria concerning the settlement of Claims by the Government of the United States of America and the

Government of the Islamic Republic of Iran of January 19, 1981 ("Claims Settlement Declaration").

2. Earliest Day for Filing Claims. Article I of the Claims Settlement Declaration provides that Iran and the United States will promote the settlement of claims by the parties directly concerned. The Tribunal has been informed by the Agents of Iran and the United States that the two Governments have agreed that the period for settlement established by Article I has been extended until October 19, 1981. Therefore, no claims with respect to which the Tribunal has jurisdiction pursuant to Article II, paragraph 1 of the Claims Settlement Declaration may be filed before October 20, 1981.

3. Last Day of Filing Claims. Pursuant to Article III, paragraph 4 of the Claims Settlement Declaration, January 19, 1982 is the last day for filing claims by nationals of the United States and of Iran pursuant to Article II, paragraph 1 of the Claims Settlement Declaration.

4. UNCITRAL Arbitration Rules Apply. Pursuant to Article III, paragraph 2 of the Claims Settlement Declaration the Tribunal shall conduct its business in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law (the "UNCITRAL Arbitration Rules"), except to the extent modified by the parties or by the Tribunal to ensure that the Claims Settlement Declaration can be carried out.

5. Notice of Arbitration Not Required. No Notice of Arbitration pursuant to Article 3 of the UNCITRAL Arbitration Rules is to be given.

6. Contents of Statement of Claim. The party initiating recourse to arbitration before the Tribunal (the "Claimant") shall do so by filing a Statement of Claim within the period of time provided for in paragraph 2 and 3 above.

Because no Notice of Arbitration is to be given, certain information required to be included in such notice by Article 3 of the UNCITRAL Arbitration Rules is instead to be included in the Statement of Claim. Accordingly, notwithstanding the provisions of Article 18 of the UNCITRAL Arbitration Rules, each Statement of Claim is to contain the following particulars:

- (a) A demand that the dispute be referred to arbitration by the Tribunal;
- (b) The names and last known addresses of the parties;
- (c) A reference to the debt, contract (including transactions which are the subject of letters of credit or bank guarantees) expropriations or other measures affecting property rights out of or in relation to which the dispute arises and as to which the Tribunal has jurisdiction pursuant to Article II, paragraph 1 of the Claims Settlement Declaration;
- (d) The general nature of the claim and an indication of the amount involved, if any;
- (e) A statement of the facts supporting the claim;

(f) The points at issue;

(g) The relief or remedy sought;

(h) If the Claimant has appointed an attorney-at-law or other person for purposes of representation or assistance in connection with the claim, the name and address of such person and an indication whether the appointment is for purposes of representation or assistance;

(i) The name and address of the person to whom communications should be sent on behalf of the Claimant (only one such person shall be entitled to be sent communications).

It is advisable that Claimants (a) annex to their Statements of Claim such documents as will serve clearly to establish the basis of the claim, and/or (b) add a reference and summary of relevant portions of such documents, and/or (c) include in the Statement of Claim quotations of relevant portions of such documents.

7. Languages of Statement of Claim. The Agents of Iran and the United States have agreed that Statements of Claim and any documents and references annexed thereto, or included therein, shall be submitted by Claimants in both English and Farsi.

8. Filing Statement of Claim; Number of Copies. Statements of Claim are to be filed with the Tribunal by delivering 12 copies to the Tribunal at the Peace Palace, The Hague, Netherlands. It is suggested that Statements of Claim be delivered by hand, by air courier service, or by registered mail with return receipt requested.

By virtue of Article VI, paragraph 2 of the Claims Settlement Declaration, the Tribunal will promptly deliver copies to the Agents of the two Governments. The Agent of the Government against which the claim is made (the "Respondent") has the responsibility of promptly delivering a copy of the Statement of Claim to the Respondent.

Claimants are not required to deliver their Statements of Claim to the Respondent's habitual residence, place of business or mailing address. The Statement of Claim is deemed to have been received by the Respondent when physically delivered to the Tribunal for forwarding to the Respondent in accordance with the above-described procedure.

9. Size of Paper. Statements of Claim are to be submitted either on paper 8-1/2 inches x 11 inches or on so-called A-4 size paper or on paper no larger than A-4.

10. Further Procedural Rules. The Tribunal is presently considering and expects to issue in a timely manner additional Administrative Directives and procedural rules.

Gunnar Lagergren.

For certified true copy:

J. Varekamp.

Dated: July 16, 1981.

David P. Stewart,

Administrator of Iranian Claims.

[FR Doc. 81-21309 Filed 7-19-81, 8:45 am]

BILLING CODE 4710-06-M

[Public Notice 772]**Claims Against Iran**

This notice concerns claims of U.S. nationals against Iran within the jurisdiction of the Iran-U.S. Claims Tribunal established by the Claims Settlement Agreement signed at Algiers on January 19, 1981. Specifically, it addresses: (1) The establishment of the Security Account from which awards of the Tribunal will be funded; (2) the rules of procedure applicable to claims filed before the Tribunal; (3) the registration and settlement of claims of less than \$250,000; and (4) the settlement of claims of \$250,000 or more.

For further information, contact David P. Stewart, Administrator for Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520. Telephone (202) 632-5040.

1. Establishment of the Security Account

Arrangements were concluded on August 17, 1981, for the establishment of the Security Account at N.V. Settlement Bank of the Netherlands. The Account is to be used for the sole purpose of securing the payment of, and paying, claims of U.S. nationals against Iran, as provided in the Claims Settlement Agreement. The technical agreements establishing this account were signed in Amsterdam by the Federal Reserve Bank of New York as Fiscal Agent of the United States; Bank Markazi Iran; Banque Centrale d'Algerie as escrow agent; De Nederlandsche Bank N.V., the central bank of the Netherlands; and N.V. Settlement Bank of the Netherlands, which will act as the depository. Pursuant to these agreements and the Algiers Declarations of January 19, 1981, the United States transferred to Iran on August 18 certain Iranian assets in U.S. banking institutions in the United States, including approximately \$2.038 billion in bank deposits, \$13.2 million in non-bank funds, and a limited amount of securities. Of this amount, \$1 billion has been deposited in the Security Account for the funding of awards to be made by

the Iran-U.S. Claims Tribunal Against Iran.

As provided in the Algiers Declarations and the technical agreements of August 17, 1981, the Government of Iran is obliged to replenish the Security Account whenever it falls below \$500 million. Under the terms of the technical agreements, the central bank of Iran, Bank Markazi, is also expressly obliged to replenish the Account.

The technical agreements provide that certain issues pertaining to the operation of the Security Account will be submitted to the Tribunal for resolution. The United States will ask the Tribunal to determine whether the interest on the Security Account should remain in the Account or be transferred to Iran. The United States and Iran will jointly ask the Tribunal to determine how the management fees for the Account should be allocated between the Federal Reserve Bank of New York and Bank Markazi, what their respective responsibilities should be for indemnifying N.V. Settlement Bank of the Netherlands and De Nederlandsche Bank, and whether funds in the Account should be available to pay claims settled by the parties directly concerned.

2. Rules of Procedure

In accordance with the provisions of the Claims Settlement Agreement, claims of U.S. nationals against Iran must be submitted to the Tribunal between October 20, 1981, and January 19, 1982. The Tribunal previously issued Administrative Directive No. 1 providing preliminary guidance for claimants concerning the manner of submitting claims. See Public Notice 764 (46 FR 37418, July 20, 1981). The Tribunal will meet at The Hague beginning September 14 to formulate more detailed rules of procedure to supplement and modify the UNCITRAL rules which are generally applicable to the submission and resolution of claims. Claimants and other interested persons who would like to offer suggestions concerning the form and substance of the rules to be adopted by the Tribunal are invited to make their views known to the Administrator for Iranian Claims at the earliest possible date. The Department will endeavor to convey these suggestions to the Tribunal before the rules are adopted and to provide an opportunity for subsequent comments to be received by the Tribunal.

3. Registration and Settlement of Claims of Less Than \$250,000

Every person subject to U.S. jurisdiction with claims against Iran that arose before April 15, 1980 was initially

required to report all such claims to the Department of the Treasury by May 15, 1980. See section 535.616 of the Iranian Assets Control Regulations (45 FR 2440 April 19, 1980).

Subsequent to the signing of the Algiers Declarations on January 19, 1981 and the establishment of the Iran-U.S. Claims Tribunal, U.S. nationals with claims against Iran that fall within the Tribunal's jurisdiction and have a value in the aggregate, of less than \$250,000 were required to register those claims with the Department of State by May 8, 1981. See Public Notice 749 (46 FR 19893 April 1, 1981) and Public Notice 753 (46 FR 25026, May 4, 1981). The information submitted in connection with the registration of these claims is to be used by the Department in seeking to conclude an agreement with Iran providing for the settlement of all such claims in return for a lump-sum payment by Iran. If such an agreement is reached, claims covered by the agreement will be adjudicated by a domestic agency of the United States Government, and the lump-sum payment will be distributed in accordance with that agency's determinations.

In an effort to provide all claimants in this category with the fullest possible opportunity to register their claims against Iran, and because the lump-sum settlement negotiations had not yet begun, the Department subsequently announced that it had been able to accept registrations received after May 8 and would continue to do so until the settlement negotiations had begun. The Department stated that the final deadline would not be earlier than July 31, 1981. See Public Notice 763 (46 FR 36277, July 14, 1981).

The Department has now completed its compilation of claims registered to date and has submitted information concerning these claims to the Government of Iran for the purpose of initiating the settlement negotiations. The Department anticipates that these discussions will begin within the next few weeks. Once they have begun, it may be impossible for the Department to take into account any additional unregistered claims. Claimants who have not registered their claims by that time may be excluded from sharing in the proceeds of a lump-sum settlement and from having their claims presented to the Tribunal.

Accordingly, U.S. nationals with claims of less than \$250,000 who have not yet registered their claims with the Department of State should register them *immediately* with the Administrator for Iranian Claims, Office of the Legal Adviser, Department of

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State, Washington, D.C. 20520. Telephone [202] 632-5040. The Department expects that it will be unable to take into account claims registered after September 30, 1981.

If lump-sum settlement negotiations with Iran do not achieve an early agreement, the Department will submit to the Iran-U.S. Claims Tribunal the claims of less than \$250,000 that have been registered with the Department. In that event, the Department will provide a standardized statement of claim form for use by claimants whose claims have a value, in the aggregate, of less than \$250,000.

4. Settlement of Claims of \$250,000 or More

The Claims Settlement Agreement of January 19, 1981, provided for a six-month period during which the United States and Iran would promote the settlement of claims by the parties directly concerned. As previously announced, this period has been extended to October 19, 1981.

The Department has received information indicating that a substantial number of claimants with claims of \$250,000 or more have been invited by the Government of Iran to enter into discussions in Vienna or elsewhere for the purpose of agreeing on settlement terms prior to October 20, 1981. Claimants engaging in such discussions are encouraged to advise the Department of the general progress of such discussions, and in particular of any problems which might usefully be addressed on a government-to-government level for the purpose of promoting the settlement of claims during this period. Claimants with such

information should contact the Administrator for Iranian Claims. David P. Stewart, Administrator for Iranian Claims, Office of the Legal Adviser.

[FR Doc. 81-26251 Filed 9-8-81; 8:45 am]
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DEPARTMENT OF STATE

(Public Notice 775)

Claims Against Iran

This notice concerns the procedures applicable to the filing of claims of U.S. nationals against Iran before the Iran-U.S. Claims Tribunal at The Hague. It supplements information provided in Public Notice 772 (48 FR 45057, September 9, 1981) and Public Notice 764 (46 FR 37418, July 20, 1981). For further information, contact David P. Stewart, Administrator for Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520. Telephone (202) 632-5040.

On October 2, the President of the Tribunal signed and the Tribunal released the following additional guidance with regard to the filing of statements of claim beginning on October 20, 1981. All such statements of claim must be filed with the Tribunal no later than January 19, 1982. Unless otherwise instructed, claimants should file their statements of claim with the Registrar of the Iran-U.S. Claims Tribunal at the Peace Palace, The Hague, The Netherlands. Claims of U.S. nationals totalling less than \$250,000 will be submitted to the Tribunal by the U.S. Government; claimants with such claims who have not yet registered them with the Department of State are urged to do so immediately.

Iran-United States Claims Tribunal
Administrative Directive No. 2

September 19, 1981.

1. *Introduction.* This Administrative Directive has been issued by the Iran-United States Claims Tribunal to inform interested parties concerning the Tribunal Rules which are being prepared. The Tribunal made substantial progress in developing Tribunal Rules during its meetings in September, 1981 and will hold further meetings in October at which it expects to complete such rules. Meanwhile there are set forth in this directive certain provisions of the forthcoming Tribunal Rules relating to filing claims with the Tribunal pursuant to paragraphs 1 and 2 of Article II of the Declaration of the Government of the Democratic and Popular Republic of Algeria concerning the Settlement of Claims by the Government of the United States of America and the Government of the Islamic Republic of Iran of January 19, 1981 ("Claims Settlement Declaration").

The Tribunal Rules will include the text of the UNCITRAL Arbitration Rules, modifications in those rules made by the Tribunal pursuant to its powers under the Claims Settlement

Declaration, and notes to indicate how the Tribunal will implement or interpret the UNCITRAL Arbitration Rules, as modified.

2. *Statement of Claim.* (a) The contents of each Statement of Claim shall be as described in paragraph 8 of the Tribunal's Administrative Directive No. 1, except that with respect to subparagraph (b) the information shall include the nationalities of the parties, in addition to their names and last known addresses.

(b) The Tribunal Rules will modify Article 2 of the UNCITRAL Arbitration Rules by adding the following paragraph:

The Registrar may refuse to accept any document which is not received within the required time period or which does not comply with the Claims Settlement Declaration or with the Tribunal Rules. Any such refusal by the Registrar is, upon objection by an arbitrating party concerned within thirty days of notification of refusal, subject to review by the arbitral tribunal.

(c) The Tribunal Rules will include the following Notes:

(i) Upon the filing of a document, the Registrar shall note on all copies the date received. The Registrar shall issue a receipt to the arbitrating party which filed the document. In all cases in which the Registrar is required to deliver copies to the Agents he will secure a written receipt of such delivery which will be kept in the case file and be available for inspection or copying by any arbitrating party in that case.

(ii) All documents filed with the Registrar are to be submitted on paper 8 1/2 inches X 11 inches or on A-4 size paper (21 cm X 29.5 cm), or on paper no larger than A-4. If a document, exhibit or other written evidence cannot conveniently be reproduced on paper no larger than A-4, it is to be folded to A-4 size, unless the Registrar permits otherwise in special circumstances.

(iii) Upon receiving a Statement of Claim, the Registrar shall assign an identifying number to the claim. Thereafter, that identifying number shall be included in the caption of all documents in the case, including the award.

(iv) Twelve copies of all documents shall be filed with the Registrar, unless a smaller number is determined by the arbitral tribunal. In the event that there are more than two arbitrating parties in a case, a sufficient number of additional copies shall be filed to permit service on all arbitrating parties in the case. Also, the arbitral tribunal or the Registrar, may at any time require a party which files a document to submit additional copies.

(v) Exhibits and written evidence, other than those annexed to the Statement of Claim or Statement of Defense, shall be submitted in such numbers of copies as the arbitral tribunal may determine in each case based on the nature and volume of the particular exhibit or written evidence and any other relevant circumstances.

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(d) The filing of documents with the tribunal shall constitute service on all of the other arbitrating parties in the case and shall be deemed to have been received by said arbitrating parties when it is received by the Agent.

3. *Effect of Date of Filing Statement of Claim.* (a) The Tribunal Rules will modify Article 18 of the UNCITRAL Arbitration Rules by adding the following paragraph:

No priority for the scheduling of hearings or the making of awards shall be based on the date of filing the Statement of Claim.

(b) The Tribunal Rules will include the following Note to Article 18:

All Statements of Claim with respect to matters as to which the Tribunal has jurisdiction pursuant to paragraphs 1 and 2 of Article II of the Claims Settlement Declaration which are filed between October 20 and November 19, 1981 will be deemed to have been filed simultaneously as of October 20, 1981. All such claims filed between November 20, 1981 and December 19, 1981 will be deemed to have been filed simultaneously as of November 20, 1981. All such claims filed between December 20, 1981 and January 19, 1982 will be deemed to have been filed simultaneously as of December 20, 1981.

Cunнар Lagergren,
President.

Dated: October 2, 1981.

David P. Stewart,
Administrator for Iranian Claims.

(FR Doc. 81-28119 Filed 10-6-81; 8:45 am)

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DEPARTMENT OF STATE

[Public Notice 779]

Claims Against Iran

This notice concerns the procedures applicable to the filing and hearing of claims of U.S. nationals against Iran before the Iran-United States Claims Tribunal at The Hague. It supplements information provided in Public Notices

775 (46 FR 49695, October 7, 1981), 772 (46 FR 45057, September 9, 1981) and 764 (46 FR 37418, July 20, 1981). For further information, contact David P. Stewart, Administrator for Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520; telephone (202) 632-5040.

As its most recent preparatory session the Iran-United States Claims Tribunal took additional decisions with regard to the organization of the Tribunal and the preparation and filing of statements of defense, as indicated in Presidential Order No. 1 and Administrative Directive No. 3 reprinted below. As a general rule, claims under paragraph 1 of Article II of the Claims Settlement Declaration will be assigned by lot among the Chambers established by Presidential Order No. 1.

Iran-United States Claims Tribunal Presidential Order No. 1

October 19, 1981.

Pursuant to Article III of the Declaration of January 19, 1981 of the Government of the Democratic and Popular Republic of Algeria Concerning the Settlement of Claims by the Government of the United States of America and the Government of the Islamic Republic of Iran (the Declaration), I hereby decide that the following rules shall apply until further notice:

1. Only the full Tribunal of nine members (the Plenary Tribunal) shall have jurisdiction over official claims, disputes or questions under paragraphs 2 and 3 of Article II and paragraph 4 of Article VI of the Declaration.

2. Claims under paragraph 1 of Article II of the Declaration shall be decided by panels of three members (Chambers), except insofar as paragraph 6 below provides otherwise.

3. The President shall compose each Chamber by designating to it one member appointed by each of the three methods set forth in paragraph 1 of Article III of the Declaration. The member designated from among those selected by mutual agreement pursuant to that paragraph shall be the Presiding Member. The initial composition of each Chamber is set forth in the annex to this order.

4. Claims under paragraph 1 of Article II of the Declaration are to be distributed among the three Chambers, in accordance with procedures to be established by the Tribunal.

5. (a) If the preliminary or main issues in two or more cases before different Chambers are similar, the President may determine that they shall be assigned to

the same Chamber. In that event, in order to maintain balance in the workload, the President may determine that a case or cases shall be transferred from that Chamber to the Chamber or Chambers from which cases were transferred following such assignment.

(b) The President will also transfer a particular case from one Chamber to another if a member withdraws with respect to that case, or if a challenge of a member with respect to that case is sustained.

(c) The President may transfer cases among Chambers in order to maintain balance in the workload in the Tribunal as a whole.

(d) If a Chamber affected by a transfer objects to the President's action, the question of the transfer shall be decided by the Plenary Tribunal.

6. (a) Where a case pending before a Chamber raises an important issue the Chamber may, at any time prior to the final award, relinquish jurisdiction in favor of the Plenary Tribunal, and shall so relinquish jurisdiction when a majority for a decision or an award cannot be found within a Chamber.

(b) A Chamber may decide to relinquish jurisdiction to the Plenary Tribunal at any time prior to the final award when the resolution of an issue might result in inconsistent decisions or awards by the Tribunal.

(c) The Plenary Tribunal, having been seized of a case, may either retain jurisdiction over the whole case or may, after deciding the issue in question, transfer the case back to the Chamber which shall, in regard to the remaining part of the case, recover its original jurisdiction.

7. If a Chamber has relinquished its jurisdiction in favor of the Plenary Tribunal, any hearings held previously shall be repeated at the discretion of the Tribunal.

Annex

Pursuant to paragraph 3 of Presidential Order No. 1, I declare that the Chambers of the Tribunal shall be composed as follows:

Chamber No. 1

Mr. Lagergren (Chairman)
Mr. Kashani
Mr. Holtzmann

Chamber No. 2

Mr. Bellet (Chairman)
Mr. Shafelei
Mr. Aldrich

Chamber No. 3

Mr. Mangard (Chairman)
Mr. Enayat

Mr. Mosk

Gunnar Lagergren,

President of the Tribunal.

Iran-United States Claims Tribunal Administrative Directive No. 3

October 24, 1981.

1. Introduction

This Administrative Directive has been issued by the Iran-United States Claims Tribunal to inform interested parties concerning the Tribunal Rules which are being prepared. The Tribunal continued its work on the Tribunal Rules during its October 1981 meetings and, in view of the absence due to illness of one of the Members, took decisions only on those matters which it considered required immediate action, deferring other subjects until its meetings in November. Meanwhile, there are set forth in this Directive certain provisions relating to the filing and preparation of Statements of Defense.

2. Statement of Defense

(a) Within a period of time to be determined by the Arbitral Tribunal with respect to each case, which should not exceed 135 days, the respondent shall file its Statement of Defense. All Statements of Defense shall be filed within a maximum period of six months following the date on which the Statement of Claim is filed. However, the Arbitral Tribunal may extend the time-limits if it concludes that an extension is justified.

(b) The Statement of Defense shall reply to the particulars (e), (f) and (g) and include the information required in (h) and (i) of the Statement of Claim (see paragraph 2(a) of Administrative Directive No. 2). It is advisable that respondents (i) annex to their Statement of Defense such documents as will clearly serve to establish the basis of the defense, and/or (ii) add a reference and summary of relevant portions of such documents and/or include in the statement of defense quotations of relevant portions of such documents.

Gunnar Lagergren,

President.

Dated: October 30, 1981.

David P. Stewart,

Administrator for Iranian Claims.

[FR Doc. 81-32372 Filed 11-9-81; 9:45 am]

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which (i) have a total value of less than \$250,000, (ii) arise out of debts, contracts, expropriations or other measures affecting property rights, (iii) were outstanding on January 19, 1981, and (iv) otherwise fall within the jurisdiction of the Iran-United States Claims Tribunal, are required to register those claims with the Department of State no later than December 1, 1981. Failure to register a claim by that date will make it impossible for the Department to prepare the details of the claim for submission to the Tribunal in a timely fashion.

Pursuant to Article III, paragraph 4 of the Claims Settlement Agreement of January 19, 1981, all claims of U.S. nationals against Iran must be filed with the Iran-United States Claims Tribunal at The Hague no later than January 19, 1981. Claimants with claims in the aggregate of \$250,000 or more should be preparing to submit their claims directly to the Tribunal on or before that date. Guidance furnished by the Tribunal concerning the preparation of statements of claim has been published in Public Notices 775 and 764.

In accordance with Article III, paragraph 3 of the Claims Settlement Agreement, claims of U.S. nationals of less than \$250,000 will be presented to the Tribunal by the United States Government. To prepare for this submission, and to provide the basis for the possible negotiation of an agreement with Iran to settle these claims by lump-sum payment, the Department initially required all U.S. nationals with claims of less than \$250,000 to register their claims by May 8, 1981. See Public Notice 749 (46 FR 19893, April 1, 1981). In order to provide claimants with the fullest possible opportunity to register their claims, and because the settlement negotiations had not yet begun, the Department subsequently announced that it would continue to accept registration until the progress of the negotiations made it impossible to take any additional claims into account. Claimants were most recently advised to register their claims by September 30. See Public Notice 772 (46 FR 45057).

Information concerning claims which have been registered with the Department has been provided to Iran together with a proposal for the prompt negotiation of lump-sum settlement agreement. In view of the absence of a response to that proposal, and in order to protect the legal rights of individual claimants, the United States has filed a claim with the Tribunal against Iran on behalf of those U.S. nationals with claims within the jurisdiction of the Tribunal which total less than \$250,000 each. The claim, filed on November 18,

1981, seeks an award of at least \$180 million in compensation for the losses suffered by those U.S. nationals.

The Department of State is currently preparing detailed statements concerning each of the claims which have been registered to date. In order to assure that any additional claims can be put into proper form for filing with the Tribunal prior to January 19, 1981, the Department has determined that all such claims must be registered with the Department no later than December 1, 1981. Failure to register such claims will make it impossible to present them to the Tribunal in a timely fashion.

Accordingly, U.S. nationals with claims of less than \$250,000 who have not yet registered their claims should do so immediately and in no case later than December 1, 1981. Copies of Form DSP 93, "Registration of Claims of United States Nationals Against Iran" may be obtained by contacting the Office of the Administrator for Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520 Tel. (202) 632-5040.

Dated: November 18, 1981.

David P. Stewart,

Administrator for Iranian Claims.

[FR Doc. 81-34012 Filed 11-24-81; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF STATE

Office of the Secretary

(Public Notice 781)

Claims Against Iran

This notice concerns the final deadline for the registration with the Department of State of claims against Iran of less than \$250,000. It supplements information provided in Public Notices 779 (46 FR 55468, November 9, 1981), 775 (46 FR 49895, October 7, 1981), 772 (46 FR 45057, September 9, 1981) and 764 (46 FR 37418, July 20, 1981). For further information, contact David P. Stewart, Administrator for Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520. Tel. (202) 632-5040.

All United States nationals with claims against the Government of Iran

DEPARTMENT OF STATE**[Public Notice 783]****Claims Against Iran**

This notice concerns the procedures applicable to the filing and hearing of claims of U.S. nationals against Iran before the Iran-United States Claims Tribunal at The Hague. It supplements information provided in Public Notices 779 (46 FR 55468, November 9, 1981), 775 (46 FR 49695, October 7, 1981), 772 (46 FR 45057, September 9, 1981) and 764 (46 FR 37418, July 20, 1981). For further information, contact David P. Stewart, Administrator Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520. Telephone (202) 632-5040.

At its November preparatory session the Iran-United States Claims Tribunal adopted the following additional guidance regarding the preparation and filing of statements of defense. The text set forth below was received by the Department of State on November 25, 1981.

Iran-United States Claims Tribunal***Administrative Directive No. 4*****November 21, 1981****1. Introduction**

This Administrative Directive has been issued by the Iran-United States Claim Tribunal to inform interested parties concerning additional provisions of the forthcoming Tribunal Rules relating to the preparation and filing of statements of defense.

2. Statement of Defense

(A) The provisions of Administrative Directive Number 1 and 2 relating to the languages, number of copies, form, delivery, and actions of the Registrar with respect to statements of claims also apply equally to statements of defense.

(B) Each statement of defense and any other documents filed with the Tribunal shall have a caption stating:

- (i) The names of the parties,
- (ii) The case number assigned by the Registrar and
- (iii) The number of the Chamber seized of the case.

Cunrar Lagergren, President.

November 25, 1981

David P. Stewart,

Administrator for Iranian Claims.

[FR Doc. 81-34542 Filed 12-1-81, 8:45 am]

BILLING CODE 4710-06-M